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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION

**Northern Plains Resource Council, et
al.,**

Plaintiffs,

v.

U.S. Army Corps of Engineers, et al.,

Defendants,

and

**TransCanada Keystone Pipeline, LP,
et al.,**

Defendant-Intervenors.

Case No. 4:19-cv-44-BMM

**Joint Motion for Order Governing
Oral Argument on the Cross-
Motions for Partial Summary
Judgment (Counts One, Two, and
Four)**

On March 6, the Court is scheduled to hear oral argument on the parties' cross-motions for summary judgment on Counts One, Two, and Four. *See* ECF Nos. 72, 87, 90. Those cross-motions cover three distinct areas of law—the Clean Water Act, the National Environmental Policy Act, and the Endangered Species Act. The claims are briefed on papers from the original parties (Plaintiffs and Federal Defendants), three intervening entities or groups (TC Energy and TransCanada Keystone Pipeline, a coalition of trade organizations, and the State of Montana), and amici. *See* ECF Nos. 73, 88, 91, 92, 93, 106, 107, 110, 111, 112, 113.

Recognizing the diversity of claims and parties, counsel propose below time allotments and sequencing for argument in an effort to make the March 6 hearing as efficient as possible. Should the Court direct that the hearing focus only on certain issues or questions, the parties agree the hearing could be further streamlined. Absent that, however, the parties propose:

- Plaintiffs' counsel be allotted 45 minutes;
- Federal Defendants' counsel be allotted 35 minutes;
- Defendant-Intervenor TC Energy's counsel be allotted 10 minutes;
- Defendant-Intervenor State of Montana's counsel be allotted 3 minutes;
- Defendant-Intervenor Coalition's counsel be allotted 3 minutes; and
- Plaintiffs' counsel be allotted 5 minutes for rebuttal.

Date: February 26, 2020

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CERTIFICATE OF SERVICE

I hereby certify that on February 26, 2020, I filed the above pleading with the Court's electronic case management system, which caused notice to be sent to all parties.

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